APPENDIX A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

No. 64 C 432 (2)

THEODORE C. GERNER, Plaintiff,

vs.

MOOG INDUSTRIES, INC., Defendant.

Memorandum

This matter was tried to the Court without a jury and the Court has been duly advised by testimony, documentary evidence and briefs of all the parties and makes the following findings of fact and conclusions of law:

Plaintiff, Theodore C. Gerner, is a citizen of The United States and a resident of the State of Oklahoma and defendant, Moog Industries, Inc., is a Missouri corporation having its principal place of business at St. Louis, Missouri. Plaintiff Theodore C. Gerner is the owner of United States Patent 3,044,798, granted July 17, 1962, the patent involved in this suit. This is an action for infringement of the Gerner patent, particularly claims 1, 4 and 5. The Court has jurisdiction over the parties and of this cause of action, under 28 U.S.C. 1338(a) and 1400(b). The plaintiff relies on claim 1 as being exemplary of the infringement issue. The plaintiff through his company, National Machine Works, Inc., began selling idler arms manufactured in accordance with his patented invention during the year 1960.

Claim 1 of the Gerner patent is stated as follows:

> "A replacement assembly for idler arms of an automobile steering linkage comprising an idler arm having a pivotal connection at one end for journaling the same upon the chassis of an automobile and having a pivotal connection at its other end for engagement with a portion of a steering linkage, at least one of said pivotal connections including a female member having a bore therein and a male member received therein, said male member including diametrically enlarged reversely varying surfaces, upper and lower wedge means each slidably received in and engaging the wall of the bore in said female member and having wedging surfaces complementary to and engaging those of the male member, resilient means yieldingly and continuously urging said wedge means into wedging contact with said male member and the female member whereby to automatically take up wear therebetween, said diametrically enlarged reversely varying surfaces being conical."

The Gerner invention is best illustrated by Figure 2 of the patent drawings (plaintiff's exhibit 1 and defendant's exhibit A), a copy of which is attached hereto, and plaintiff's exhibit 2, a prototype model. In Figure 2 of the patent drawings, the frame bracket end pivotal connection is at the right-hand end. The assembly of this pivotal connection is identical with that illustrated in the cross section on the left-hand end, except it is disposed in reverse position.

The purpose of the Gerner idler arm is to rid the automobile steering linkage of all play.

The Gerner idler arm has at the frame bracket end a female housing with a cylindrical bore therein. The bore receives three lower wedge elements which are slid to the bottom of the bore. The male pin with upper and lower reversely varying conical surfaces is positioned in the bore

whereby the lower conical surface contacts the interior surface of each lower wedge element. Three upper wedge elements are then slid into the bore with their interior surfaces each contacting the upper conical surface of the male pin. The exterior surface of each upper and lower wedge element is cylindrical and makes such contact with the bore as to inhibit relative rotational movement. The interior surface of each upper and lower wedge element is conical and contacts the corresponding upper and lower surface of the male pin to permit relative rotation therebetween. Accordingly, the bearing surfaces for the pivotal connection are those surfaces on the interior of the wedge elements and on the male pin which are in contact.

The three upper and the three lower wedge elements represent axially spaced supports which at any time define a stationary rotational axis for the idler arm at the frame bracket end pivotal connection. A spring in combination with a cover maintains the contact of the male pin surfaces with the interior surfaces of all the wedge elements.

The spring in urging the three upper wedge elements onto the upper bearing surface of the male pin forces the three upper and three lower wedge elements to expand due to the conical shape of the upper and lower bearing surfaces of the male pin. The force expanding the upper and lower wedge elements produces a wedging contact between their exterior cylindrical surface and the bore surface. The downward force on the three upper wedge elements also urges the male pin into its lowermost position with its lower bearing surface against the interior conical surface of each lower wedge element which in turn are each in contact with the bore. Thus, any machining imprecision existing between the bore, the wedge elements and the male pin is automatically compensated for and any looseness which might otherwise exist is eliminated.

As wear takes place during normal operation between the two conical surfaces of the male pin and the interior

surfaces of the six wedge elements, the spring forces the three upper wedge elements further into the bore against the upper conical surface of the male pin and forces the male pin down on the three lower wedge elements, thereby taking up any wear therebetween and at the time causing all the wedge elements to expand further (if necessary) against the surface of the bore. Accordingly, all wear occurring in the pivotal connection is automatically taken up by adjustment of the three upper and three lower wedge elements and the male pin.

In the event the pivotal connection is subject to a shock whereby the upper or lower conical surface of the male pin is temporarily dislodged from contact with any of the three upper wedge elements or three lower wedge elements, the force of the spring will automatically reset contact of the components in the same manner as described above with respect to assembly of the pivotal connection.

Defendant is presently manufacturing a series of idler arm structures illustrated by plaintiff's exhibit 8a through 8r, which are drawings of the structures, plaintiff's exhibits 4, 5 and 6, physical models, and defendant's exhibit I, an illustrative model of the Moog structure. Defandant's exhibit D, a drawing of the structure, is attached hereto.

Defendant had been manufacturing and selling a ball bearing idler arm kit for many years prior to the Gerner patent, which eliminated looseness. The idler arms of Moog, which plaintiff contends infringes his patent, were designed in 1963. The engineers of defendant Moog had examined the Gerner structures, as well as those of other competitors, and the prior art, before designing the questioned structures.

In comparing the Gerner idler arm and the Moog idler arm there are certain differences apparent.

The three lower and three upper wedge elements of Gerner are loosely slidably received in the bore of the female member. These wedge elements engage the reversely

tapered surfaces of the male pin and the spring on the upper wedge elements permit a yielding and continuously urging of the wedge elements into wedging contact with the pin.

In the Moog device the lower element is a solid ring element which is forced by pressure into the female housing and remains fixed at that point. It is not three separate wedge elements. It cannot slide up and down.

It is to be noted here that the language of claim 1 of the Gerner patent is as follows:

> ". . . upper and lower wedge means each slidably received in and engaging the wall of the bore in said female member and having wedging surfaces complementary to and engaging those of the male member, . . ."

The three upper wedge elements of Moog and the bottom ring have only point contact with the male pin. In Gerner the surfaces of the wedge elements have complementary conical surfaces that contact the male pin.

The spring in Moog has no effect on the bottom element which is fixed, but only urges point contact of the upper wedges with the male pin. The spring in Gerner urges continuous wedging of both the top and bottom wedge elements with the male pin.

Even if this Court were to find the Gerner patent valid, the difference between Moog and Gerner makes it doubtful if there is any infringement. However, it is not necessary to decide this question in view of the fact that after reviewing the prior art this Court is of the opinion that the Gerner patent does not stand the tests necessary to make it a valid patent.

The Constitution, Art. I, § 8, cl. 8, authorizes Congress "To promote the Progress of . . . useful Arts, by securing for limited Times to . . . Inventors the exclusive Right

to their . . . Discoveries." The Supreme Court in *Graham* v. *John Deere Co.*, 383 U.S. 1 (1966), pointed out

> "The clause is both a grant of power and a limitation . . . Congress may not authorize the issuance of patents whose effects are to remove existent knowledge from the public domain, or to restrict free access to materials already available."

The Court said further in quoting *Hotchkiss* v. *Greenwood*, 11 How. 248 (S.Ct. 1851), l.c. 267:

> "[U]nless more ingenuity and skill . . . were required . . . than were possessed by an ordinary mechanic acquainted with the business, there was an absence of that degree of skill and ingenuity which constitute essential elements of every invention. In other words, the improvement is the work of the skillful mechanic, not that of the inventor."

The Court went on to emphasize that Congress in § 103 of the 1952 Patent Act has made the language of Hotchkiss a statutory condition by requiring the invention to be one that was not obvious to a person skilled in the arts, when comparing the invention to the prior arts.

In a recent case, *Kell-Dot Industries, Inc.*, v. *Graves*, (May 18, 1966), the Eighth Circuit in reversing the district court and finding a patent invalid, said at page 11 of the slip opinion:

> "We are convinced here that anyone skilled in the art with patent office references before him could have, without the exercise of any inventive faculty, combined old elements known to the art and made plaintiff's machine. Assuming that the patent in suit was an improvement over the prior art, it still does not rise to the level of patentability."

The facts in the Gerner patent fall within the language of the Eighth Circuit and the Supreme Court in that the Gerner patent is invalid because it is an obvious change to anyone skilled in the arts and does not rise to the standard necessary to make it patentable.

The file jacket of the Patent Office shows that all claims were initially rejected. After minor changes seven of the claims were allowed. Reference was made by the Patent Office to the following prior art: 1,261,856, Rule; 1,871,861, Rossman; 1,985,728, Ingersoll; 2,037,786, Hufferd; 2,048,803, Marles; 2,544,582, Booth; 2,745,688, Farrington; 2,853,327, Traugott; and foreign patent 513,858, Italy (Sell).

The defendant relies on the referenced prior art and additional patents: Swiss, 111,900; Greenwalt, 2,685,451; Cain, 2,769,651; Prichard, 2,826,466; and Herbenar, 2,937,033 and 2,944,829.

The Ingersoll patent granted in 1934 is a ball and socket joint used in cross tie rods connecting the steering arms of the front axle in motor vehicles. This patent drawing shows almost the identical principal [sic] applied in Gerner. Figures 1, 2 and 3 of defendant's exhibit B, a copy of which is attached hereto, show socket pieces with reversely tapered surfaces, slidably received into the base of a housing, an upper and lower set of rings having tapered surfaces engaging the tapered surfaces of said socket pieces, and a spring to force the rings in continuous contact with the tapered surfaces of the socket pieces. The patent additionally has a ball shaped stud within the tapered socket pieces. The principal [sic] of Ingersoll is not greatly different from Gerner.

The Swiss patent granted in 1925, while being used as a connecting joint for shock absorbing mechanisms shows a similar device to Gerner's. Defendant's exhibit F (figure 16), a copy of which is attached hereto, shows the reversely tapered pin fitting into a pivot assembly with two wedging

rings fitting against the reversely tapered pin. The rings fit into a housing and in this instance there is a leaf spring (defendant's exhibit F, figure 19), which may be used to maintain the relative position of the bearing surfaces.

The Hufferd patent granted in 1931 is an improved form of adjustable ball joint connection for the tie rod and drag links used in the steering mechanism of automobile vehicles. The patent has the ball stud surrounded by positioned tapered sleeves with a spring to take up wear and not affect the alignment of the tie rod. The spring forces the wedgelike segments together.

Without going into all the other referenced patents, but considering briefly Cain, granted in 1956, for an adjustable idler arm support and Herbenar, granted in 1960, for a vehicle idler arm assembly, we can see that Gerner is basically a slightly different arrangement of the art which is already patented or in the public domain.

When the patent drawings of Gerner, the Swiss patent and the Ingersoll patent are placed side by side, and the pertinent characteristics are set out in identical colors, it is clear to anyone skilled or unskilled how little variation in fact exists between Gerner and the prior art. Therefore, copies of these drawings together with a cross section of the Moog device are attached to and made a part of this opinion for the purpose of clarity.

The plaintiff tries to get some comfort from the case of *United States* v. *Adams,* 383 U.S. 39 (1966), but the facts in that case are very different. In that case the Court found the device passed the separate tests of novelty, nonobviousness and utility. The battery was the first water-activated battery ever invented. The Patent Office cited not a single reference when it was granted. After the patent was furnished to the Army and Navy in 1941 and tests were made and the battery was studied for a year, the National Bureau of Standards experts had doubts that the battery

would work. So, certainly it was not obvious to one skilled in the field.

The Patent Office in Gerner did not consider or reference Cain or the Swiss patent 111900. Had these been considered, they may have reached a different result.

The Court agrees with the plaintiff that the grant of a patent carries with it a presumption of validity. However, this is a rebuttable presumption, *Steffan* v. *Weber Heating,* 237 F.2d 601 (8 Cir. 1956), and validity of an invention is ultimately a question that the courts must decide, *Continental Farm Equip.* v. *Love,* 199 F.2d 202 (8 Cir. 1952).

The Gerner patent when considered with the prior art and particularly that not cited by the Patent Office is invalid because the combination of old elements is obvious to anyone with ordinary mechanical skill.

Accordingly, a judgment will be entered for the defendant and against the plaintiff. Defendant's counsel is directed to prepare the judgment in accordance with this memorandum and submit the same to the Court and a copy to counsel for plaintiff within 10 days.

Dated this 8th day of June, 1966.

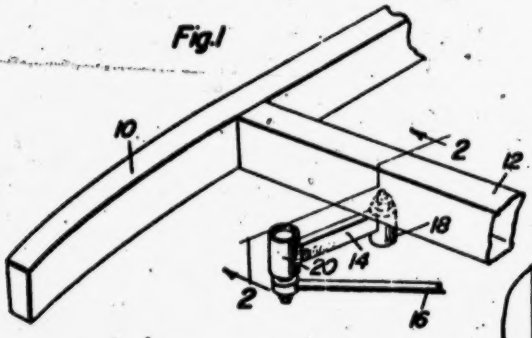
/s/ JAMES H. MEREDITH
United States District Judge

July 17, 1962 T. C. GERNER 3,044,798

REPLACEMENT UNIT FOR IDLER ARM BRACKET

Filed March 6, 1959 2 Sheets-Sheet 1

Fig.1



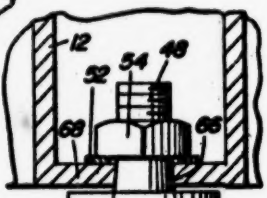
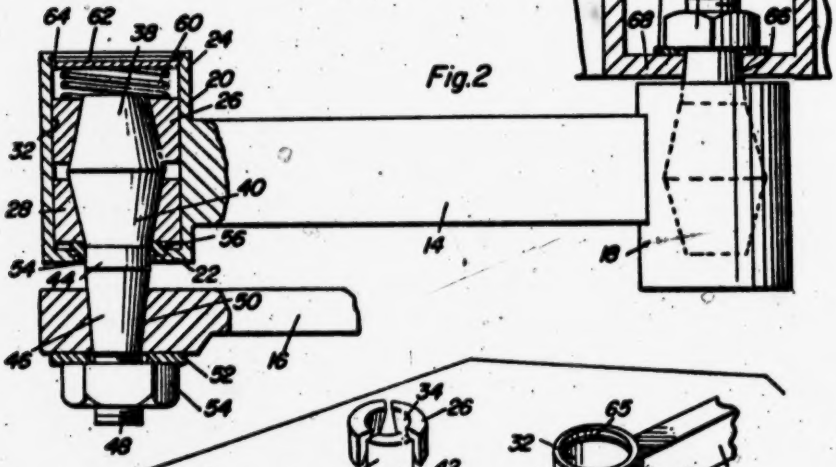


Fig.2



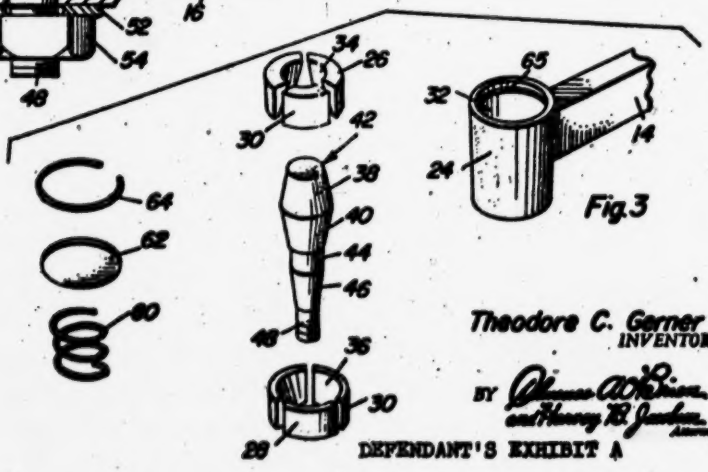


Fig.3

Theodore C. Gerner
INVENTOR.

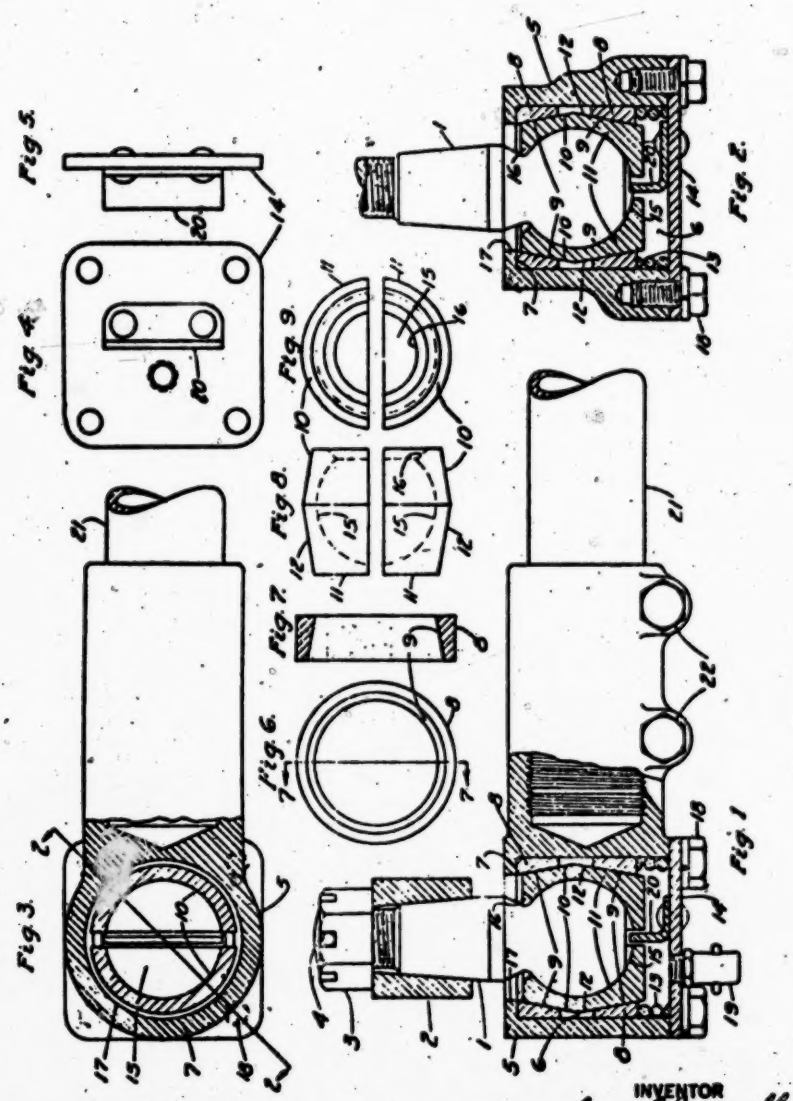
BY [signature]
and Harvey R. Jackson
Attorneys

DEFENDANT'S EXHIBIT A

Dec. 25, 1934. G. B. INGERSOLL 1,985,728

BALL AND SOCKET JOINT

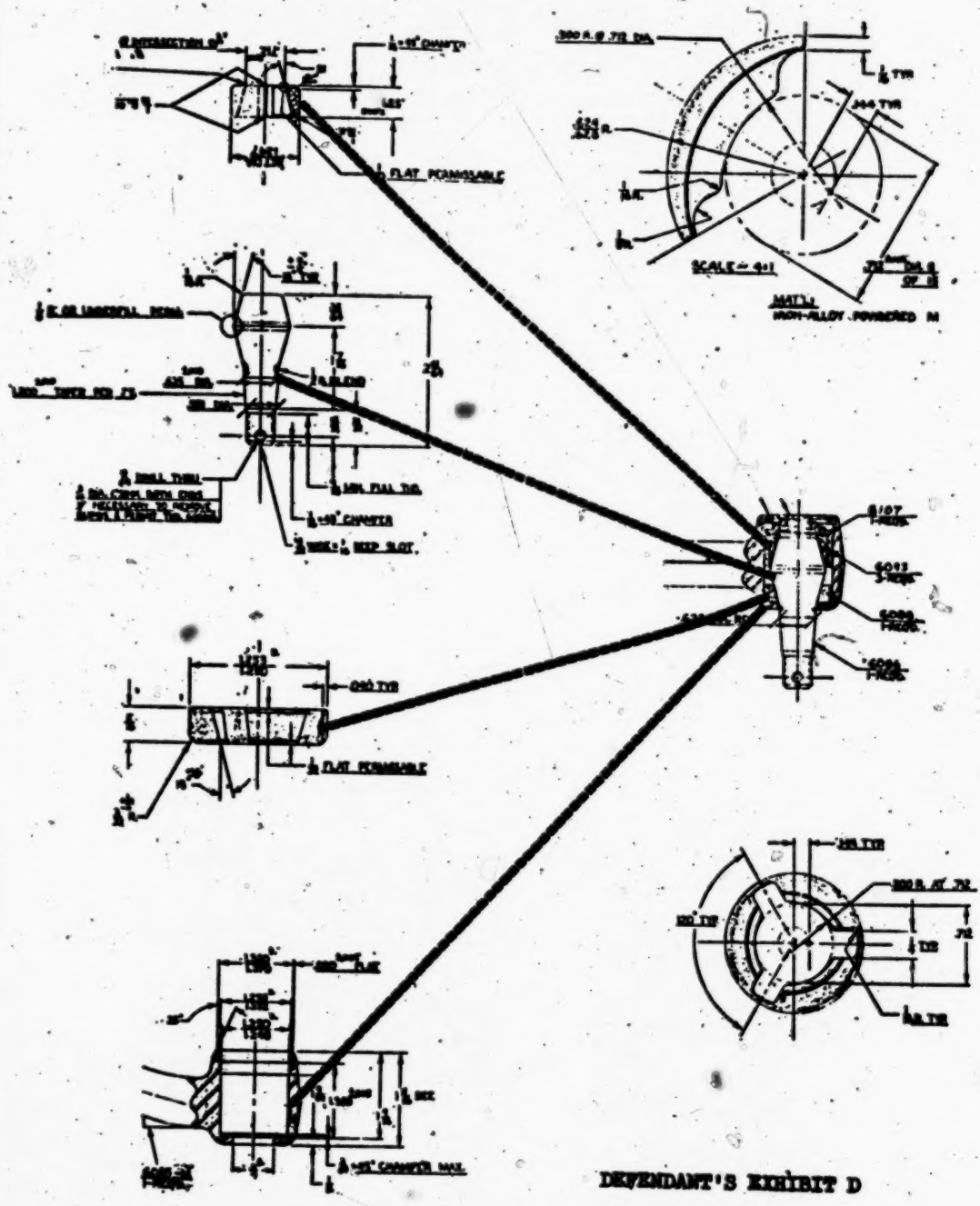
Original Filed Nov. 15, 1927



INVENTOR

George B. Ingersoll

DEFENDANT'S EXHIBIT B



DEFENDANT'S EXHIBIT D

MOOG IDLER ARM

Fig.10

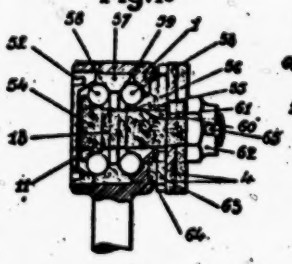


Fig.11

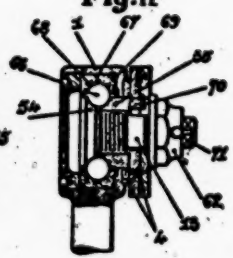


Fig.12

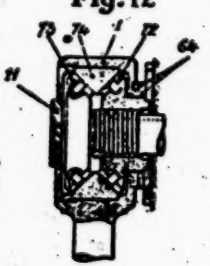


Fig.13

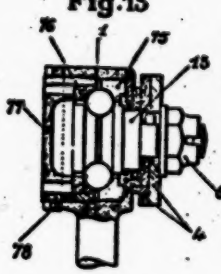


Fig.14

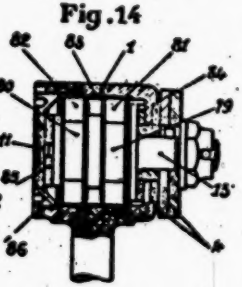


Fig.15

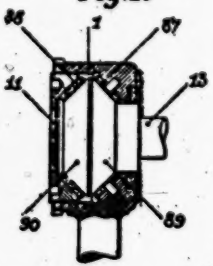


Fig.16

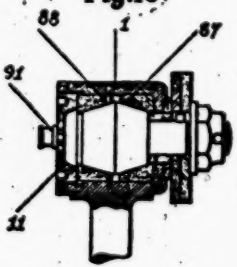


Fig.17

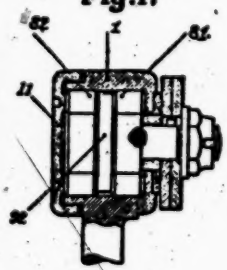


Fig.18

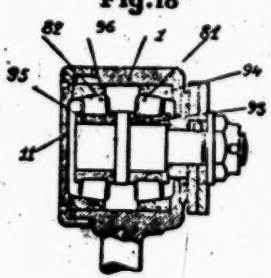


Fig.19

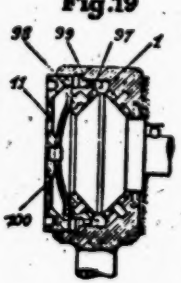


Fig.20

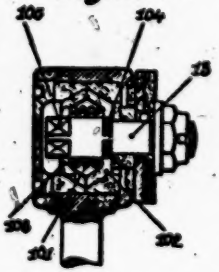


Fig.21

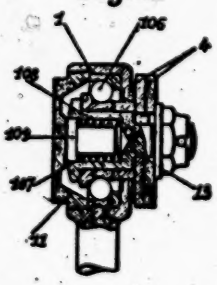


Fig.22

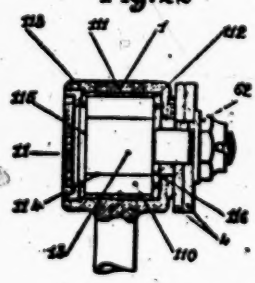


Fig.23

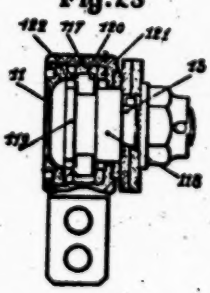
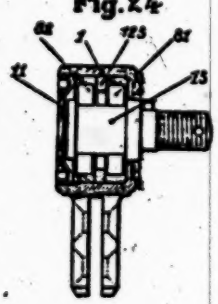


Fig.24



SWISS PATENT 111900, GRANTED 1925, DEFENDANT'S EXHIBIT 7

APPENDIX B

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 18,525

THEODORE C. GERNER, Appellant,

v.

MOOG INDUSTRIES, INC., Appellee.

Appeal from the United States District Court
for the Eastern District of Missouri.

[September 19, 1967.]

Before BLACKMUN, MEHAFFY and GIBSON, Circuit Judges.

MEHAFFY, Circuit Judge.

The sole issue for determination upon this appeal is the validity of United States Patent No. 3,044,798 which issued to Theodore C. Gerner on July 17, 1962. Gerner, a citizen and resident of Oklahoma, brought suit against Moog Industries, Inc., a Missouri corporation, alleging infringement of the patent. Moog denied infringement and additionally set up as a defense the invalidity of the patent.

The District Court in an opinion published at 254 F. Supp. 969 (E.D. Mo. 1966) held the patent invalid as

being a combination of old elements obvious to anyone with ordinary mechanical skill. We affirm.

The Patent in Issue

The Gerner patent is a mechanical structure relating to the steering mechanism of an automobile. It is designed as a replacement unit for what is called an idler arm bracket, its object being to eliminate looseness or end play in the steering linkage. An idler arm is part of the automobile parallelogram steering linkage. It has a frame bucket end attaching to the front portion of the chassis opposite what is called the "pitman" arm on the steering column. The other end of the idler arm supports the steering linkage. Originally, the Patent Office rejected all claims but subsequently, upon amendment, the patent was issued. Claim 1 is the broadest in the patent and the elements and functions of the device are embodied therein:

> "1. A replacement assembly for idler arms of an automobile steering linkage comprising an idler arm having a pivotal connection at one end for journaling the same upon the chasis of an automobile and having a pivotal connection at its other end for engagement with a portion of a steering linkage, at least one of said pivotal connections including a female member having a bore therein and a male member received therein, said male member including diametrically enlarged reversely varying surfaces, upper and lower wedge means each slidably received in and engaging the wall of the bore in said female member and having wedging surfaces complementary to and engaging those of the male member, resilient means yieldingly and continuously urging said wedge means into wedging contact with said male member and the female member whereby to automatically take up wear therebetween, said diametrically enlarged reversely varying surfaces being conical."

Specifically, the Gerner device embodies a female housing with a cylindrical bore which receives three lower wedge or bearing elements slidably placed therein. The male member has upper and lower reversible varying conical surfaces and is positioned in the bore so that the lower conical surfaces contact the interior surface of the lower bearing. Three upper wedge or bearing elements are likewise slidably introduced into the bore with interior surfaces contacting the upper conical surface of the male pin. The exterior of each upper and lower bearing is cylindrical and designed to make contact with the bore surface so as to inhibit rotational movement. The interior surface of each bearing element is conical in design to contact the corresponding surface of the male pin to permit relative rotation between. A spring maintains contact between the male pin surfaces and the surfaces of the bearing elements and urges the three upper bearing elements into a wedging contact with the upper bearing surface of the male pin. This force produces a wedging contact urging the male pin into its lower most position and contacts against the interior surface of each lower bearing element. The effect of this is to automatically compensate for any tolerance that might exist between the bore, the wedge or bearing elements and the male pin in order to eliminate any looseness that might exist.

Gerner does not claim that his is the first idler arm but only that it meets the statutory requirement for patentability. As a matter of fact, other manufacturers, including Moog, were producing idler arms before the Gerner patent but their ball bearing structures did not lend themselves as well to one particular automobile, the Chevrolet.

The Prior Art

Obviously, this is a crowded field as the references cited in the Patent Office file are: 1,261,856 Rule; 1,871,861 Rossman; 1,985,728 Ingersoll; 2,037,786 Hufferd; 2,048,803

Marles; 2,544,582 Booth; 2,745,688 Farrington et al; 2,853,327 Traugott; and 513858 Italy.

In addition to the prior art referenced by the Patent Office, Moog introduced at trial 111,900 Swiss; 2,769,651 Cain; 2,685,451 Greenwalt; 2,826,466 Pritchard; 2,937,033 Herbenar; and 2,994,829 Herbenar.

Patent drawings from Gerner, Ingersoll and Swiss, as well as the accused device, are attached to the District Court's opinion and we adopt them by reference.

The Swiss patent, as does Gerner, includes a male and female member with oppositely formed conical surfaces on the male member and with both upper and lower wedges or bearings slidably received in the female member having surfaces engaging those of the male member. It also embodies spring means which continuously urge the wedge means into wedging contact with the male member.

Cain also embodies a male and female member with oppositely formed conical surfaces on the male member and with upper and lower wedge means with surfaces complementary to and engaging those of the male member. Cain does not embody a spring but is constructed so the wedge means can be threaded up to adjust for wear.

The Ingersoll patent contains a male and female member with upper and lower wedge means and the bore of the female member having surfaces complementary to and engaging those of the male member.

The trial court found that a consideration of the Cain and Herbenar patents revealed that Gerner is basically a slightly different arrangement of the art which is already patented or in the public domain. The court stated that when the patent drawings of Gerner, Swiss and Ingersoll are placed side by side and the patent characteristics set out in identical colors, it is clear even to the unskilled how little variation in fact exists between Gerner and the prior art. Noting that the Patent Office in Gerner did not con-

sider or reference the Cain or Swiss patents, the trial court observed that had these two patents been considered the action of the Patent Office might have been different.

Professor Fisher, an expert for Moog, testified that all of the structures called for in Gerner Claim 1 are found in the Ingersoll patent and also that the Swiss patent, structure for structure, absolutely responds to the Gerner patent.

Gerner argues stenuously that both the trial court and Moog's expert exercised hindsight in arriving at their conclusions, but we disagree. The trial court's opinion not only reflects an intimate knowledge of the structure and functions of the patented device but a scrupulous adherence to the teachings of the Supreme Court in *Graham* v. *John Deere Co.*, 383 U.S. 1 (1966), and its companion cases. A number of our post-*Graham* patent opinions holding invalidity for obviousness under 35 U.S.C. § 103, as interpreted and taught by *Graham*, are cited in *L & A Products, Inc.* v. *Britt Tech Corp.*, 365 F.2d 83 (8th Cir. 1966). See also *Superior Concrete Accessories* v. *Richmond Screw Anchor Co.*, 369 F.2d 353 (8th Cir. 1966); *Imperial Stone Cutters, Inc.* v. *Schwartz*, 370 F.2d 425 (8th Cir. 1966). Further discussion here on the subject of nonpatentability for obviousness under § 103 as interpreted in *Graham, supra*, is unnecessary.

Gerner points out that the Ingersoll and Swiss patents relate to pivotal connections generally and not replacement idler arms. Prior art, however, includes earlier devices whether or not in related areas to the patented device. *Skee-Trainer, Inc.* v. *Garelick Mfg. Co.*, 361 F.2d 895, 898 (8th Cir. 1966). The Ingersoll patent referred to a socket joint on the end of a tie rod and the Swiss patent is for a shock absorber and not directly for an idler arm, yet both relate to automobile mechanisms. Moog's expert witness testified that if somebody wanted a joint that takes up wear, it would only be necessary to utilize the Swiss disclosure.

It is argued that the three-section wedge means of Gerner is not disclosed in the prior art but the difference appears to be in configuration only because the prior art discloses upper and lower wedge means, which according to the witnesses perform the same function. But even if the addition of a new element to an otherwise old combination may create a new combination, this factor in itself does not eliminate the requirement of 35 U.S.C. § 103 that such a new combination is unpatentable unless the invention as a whole was unobvious to one of ordinary skill in the art at the time it was made. *Cf. Application of Grout,* 377 F.2d 1019 (C.C.P.A. 1967).

We are convinced that the disclosures found in the prior art buttressed by the testimony of the expert witness provided a proper factual basis for the trial court's determination of obviousness of the claimed invention under 35 U.S.C. § 103. To paraphrase the language of the Supreme Court in *Hotchkiss* v. *Greenwood,* 11 How. 248, quoted in *Graham, supra,* 383 U.S. at 11—if there is improvement in the Gerner patent it is the work of a skilled mechanic and not that of an inventor.

The secondary considerations—commercial success, failure of others, and long-standing need—do not, in our opinion, approach in substance those in *Graham, supra,* which failed to impress the Supreme Court in its consideration of the companion *Calmar* case, 383 U.S. 1, 35, 36, so as to tilt the balance to patent validity where the device fails to meet the nonobvious standard of § 103. *Cf. Kell-Dot Industries, Inc.* v. *Graves,* 361 F.2d 25, 30, 31 (8th Cir. 1966).

The judgment of the District Court holding invalid United States Patent No. 3,044,798 issued to Theodore C. Gerner, July 17, 1962, is affirmed.

A true copy.
Attest:

Clerk, U.S. Court of Appeals, Eighth Circuit.

APPENDIX C

Eighth Circuit Post-Graham Decisions

	Invalid Valid*	Reversed Affirmed
1. *Kell-Dot Industries, Inc.* v. *Graves,* 361 F.2d 25, 149 USPQ 717 (8th Cir. 1966)	Invalid	Reversed
2. *American Infra-Red Radiant Co.* v. *Lambert Industries, Inc.,* 360 F.2d 977, 149 USPQ 722 (8th Cir. 1966)	Invalid	Reversed
3. *Skee-Trainer, Inc.* v. *Garelick Mfg. Co.,* 361 F.2d 895, 150 USPQ 7 (8th Cir. 1966)	Invalid	Affirmed
4. *Piel Manufacturing Company* v. *George A. Rolfes Co.,* 363 F.2d 57, 150 USPQ 330 (8th Cir. 1966)	Invalid	Affirmed
5. *Automated Building Components* v. *Hydro-Air Engineering,* 362 F.2d 989, 150 USPQ 421 (8th Cir. 1966)	Invalid	Affirmed
6. *Superior Concrete Accessories* v. *Richmond Screw Anchor Co.,* 369 F.2d 353, 151 USPQ 677 (8th Cir. 1966)	Invalid	Affirmed
7. *Imperial Stone Cutters, Inc.* v. *Schwartz,* 370 F.2d 425, 152 USPQ 91 (8th Cir. 1966)	Invalid	Affirmed
8. *L & A Products, Inc.* v. *Britt Tech Corporation,* 365 F.2d 83, 150 USPQ 770 (8th Cir. 1966)	Invalid	Reversed

* The patent validity determination is indicated valid where the Court held at least one claim of a patent in suit valid.

	Invalid	Reversed
	Valid*	Affirmed
9. *Greening Nursery Co.* v. *J & R Tool & Mfg. Co.*, 376 F.2d 738, 153 USPQ 660 (8th Cir. 1967)	Invalid	Affirmed
10. *General Mills, Inc.* v. *Pillsbury Co.*, 378 F.2d 666, 154 USPQ 207 (8th Cir. 1967)	Invalid	Reversed
11. *Gerner* v. *Moog Industries, Inc.*, —— F.2d ——, 155 USPQ 232 (8th Cir. 1967)	Invalid	Affirmed

* The patent validity determination is indicated valid where the Court held at least one claim of a patent in suit valid.

APPENDIX D

Seventh Circuit Post-Graham Decisions

	Invalid Valid*	Reversed Affirmed
1. *Toro Manufacturing Corporation* v. *Jacobsen Manufacturing Company,* 357 F.2d 901, 148 USPQ 628 (7th Cir. 1966)	Invalid	Reversed
2. *Eugene A. Wahl and Vibra Screw Feeders Inc.* v. *Carrier Manufacturing Co., Inc.,* 358 F.2d 1, 148 USPQ 698 (7th Cir. 1966)	Valid	Affirmed
3. *King-Seeley Thermos Co.* v. *Tastee Freez Industries, Inc.,* 357 F.2d 875, 149 USPQ 4 (7th Cir. 1966)	Valid	Affirmed
4. *Corn Products Company* v. *Standard Brands, Inc.,* 359 F.2d 739, 149 USPQ 316 (7th Cir. 1966)	Invalid	Affirmed
5. *Benjamin A. Skirow and Nathan Skirow, d/b/a Skirow Brothers, a partnership,* v. *Roberts Colonial House, Inc.,* 361 F.2d 388, 149 USPQ 882 (7th Cir. 1966)	Invalid	Affirmed
6. *Continental Can Company, Inc.* v. *Anchor Hocking Glass Corporation,* 362 F.2d 123, 150 USPQ 1 (7th Cir. 1966)	Valid	Affirmed
7. *Automated Building Components, Inc.* v. *Structomatic, Inc.,* 362 F.2d 529, 150 USPQ 159 (7th Cir. 1966)	Invalid	Affirmed

* The patent validity determination is indicated valid where the Court held at least one claim of a patent in suit valid.

	Invalid Valid*	Reversed Affirmed
8. *Rex Chainbelt, Inc.* v. *General Kinematics Corporation,* 363 F.2d 336, 150 USPQ 319 (7th Cir. 1966)	Valid	Affirmed
9. *Zegers* v. *Zegers, Inc.,* 365 F.2d 156, 150 USPQ 409 (7th Cir. 1966)	Valid	Affirmed
10. *Wen Products Inc.* v. *Portable Electric Tools, Inc.,* 367 F.2d 764, 151 USPQ 366 (7th Cir. 1966)	Valid	Affirmed
11. *Walt Disney Productions* v. *Fred A. Niles Com. Ctr., Inc.,* 369 F.2d 230, 151 USPQ 528 (7th Cir. 1966)	Valid	Reversed
12. *T. P. Laboratories, Inc.* v. *Huge,* 371 F.2d 231, 151 USPQ 605 (7th Cir. 1966)	Invalid	Affirmed
13. *Strzalkowski* v. *Beltone Electronics Corporation,* 371 F.2d 237, 151 USPQ 675 (7th Cir. 1966)	Invalid	Affirmed
14. *Williams* v. *V. R. Myers Pump and Supply, Inc.,* 371 F.2d 192, 152 USPQ 1 (7th Cir. 1966)	Valid	Affirmed
15. *La Maur, Inc.* v. *DeMert & Dougherty, Inc.,*——F.2d——, 152 USPQ 163 (7th Cir. 1965)	Invalid	Affirmed
16. *Armstrong* v. *Motorola, Inc.,* 374 F.2d 764, 152 USPQ 535 (7th Cir. 1967)	Valid	Affirmed
17. *Novo Industrial Corporation* v. *Standard Screw Company,* 374 F.2d 824, 152 USPQ 543 (7th Cir. 1967)	Invalid	Affirmed

* The patent validity determination is indicated valid where the Court held at least one claim of a patent in suit valid.

	Invalid Valid*	Reversed Affirmed
18. *Bishman Manufacturing Co.* v. *Stewart-Warner Corp.*, —— F.2d ——, 153 USPQ 496 (7th Cir. 1966)	Valid	Affirmed
19. *Groen* v. *General Foods Corp.*, —— F.2d ——, 152 USPQ 210 (7th Cir. 1966)	Invalid	Affirmed
20. *Pambello* v. *Hamilton Cosco, Inc.*, 377 F.2d 445, 153 USPQ 658 (7th Cir. 1967)	Invalid	Reversed
21. *Sanford Research Co.* v. *Eberhard Faber Pen & Pencil Co.*, 379 F.2d 512, 154 USPQ 199 (7th Cir. 1967)	Invalid	Affirmed
22. *Gass* v. *Montgomery Ward & Co.*, —— F.2d ——, 155 USPQ 199 (7th Cir. 1967)	Invalid	Reversed
23. *American Photocopy Equipment Co.* v. *Rovico, Inc.*, —— F.2d ——, 155 USPQ 119 (7th Cir. 1967)	Valid	Affirmed
24. *Unarco Industries, Inc.* v. *Evans Products Co.*, —— F.2d ——, 155 USPQ 230 (7th Cir. 1967)	Invalid	Affirmed
25. *Leach* v. *Badger Northland, Inc.*, —— F.2d ——, 155 USPQ 365 (7th Cir. 1967)	Invalid	Affirmed
26. *Technicon Instruments Corp.* v. *Coleman Instruments*, —— F.2d ——, 155 USPQ 369 (7th Cir. 1967)	Valid	Affirmed

* The patent validity determination is indicated valid where the Court held at least one claim of a patent in suit valid.